

(Re).85—11/00 Pub.605)

FORM 9-65

9-319



PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1998 (AIPA).

Application Number	09/539,735
Filing Date	03/30/00
First Named Inventor	James L. Brown
Group Art Unit	1644
Examiner Name	P. Nolan
Attorney Docket Number	DHI-03864

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s) 2
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-1290
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 3 mos.
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Maha A. Hamdan	Registration No. (Attorney/Agent)	43,655
Signature	Mahattandan	Date	May 12/2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Cliff Cannon-Cin	Date	5-12-2004
Signature	Cliff		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

(Request for Continued Examination (RCE) Transmittal (37 C.F.R. § 1.114) (PTO/SB/30) [9-65]—page 1 of 1)

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IFW RCE/1644

PATENT

Attorney Docket No. DHI-03864

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James L. Brown

Serial No.:

09/539,735

Group No.: 1644

Filed:

03/30/00

Examiner: P. Nolan

Entitled:

DIAGNOSIS OF AUTOIMMUNE DISEASE

## AMENDMENT TRANSMITTAL

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 12, 2004

By:

Cliff Cannon-Cin

Sir or Madam:

Transmitted herewith is a Request for Continued Examination Under 37 C.F.R. § 1.114, and an Amendment and Response to November 14, 2003 Final Office Action. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDITIONAL FEE
Total Claims	32	—	32	0	×	18.00	\$0.00
Independent Claims	6	—	6	0	×	86.00	\$0.00

Three Month Extension of Time	\$930.00
Request for Continued Examination	\$770.00
SUBTOTAL	\$1,700.00
Small Entity 50% Filing Fee Reduction	— \$850.00
<b>TOTAL DUE</b>	<b>\$850.00</b>

Applicant submits the following documents for filing in this application:

1. Declaration under 37 C.F.R. sec. 1.132 by James L. Brown with curriculum vitae; and Declaration under 37 C.F.R. sec. 1.132 by Dr. Leonard Kohn.
2. A check in the amount of \$850.00 is attached.
3. Please charge any additional fees, including any fees necessary for extensions of time, or credit overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.
4. Petition for extension of time. The undersigned attorney of record hereby petitions for an extension of time pursuant to 37 C.F.R. § 1.136, as may be required, to file this response.

Dated: May 12, 2004

By:

Maha Hamdan

Maha A. Hamdan

Registration No. 43,655

MEDLEN &amp; CARROLL, LLP

101 Howard Street, Suite 350

San Francisco, California 94105

415/904-6500



Attorney Docket No. **DHI-03864**

*DAC 11644*  
**PATENT**

In re Application of: James L. Brown  
Serial No.: 09/539,735  
Filed: 03/30/00  
Entitled: **DIAGNOSIS OF AUTOIMMUNE DISEASE**

Group No.: P. Nolan  
Examiner: 1644

## **AMENDMENT AND RESPONSE TO NOVEMBER 14, 2003 FINAL OFFICE ACTION**

**Mail Stop 313(c)**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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### **CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 5-12-04

By: *[Signature]*

Sir:

The following communication constitutes part of the submission which accompanies the Request for Continued Examination (RCE) filed herewith, and presents a response to the final Office Action mailed November 14, 2003. A request and fee for an extension of time is enclosed. To expedite prosecution, Applicants respectfully request the Examiner to **call the undersigned before drafting another written communication**, if any.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this communication.

Remarks begin on page 7 of this communication.